

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LINNIE MCCLELLAN,

Plaintiff,

V.

Case No. 10-CV-1259 WJ/RHS

STATE OF NEW MEXICO
ENVIRONMENTAL DEPARTMENT, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER GRANTING DEFENDANTS' MOTION TO
DISMISS FOR LACK OF PERSONAL JURISDICTION, INSUFFICIENT PROCESS
AND INSUFFICIENT SERVICE OF PROCESS**

THIS MATTER comes before the Court on Defendants' Motion to Dismiss for Lack of Personal Jurisdiction, Insufficient Process and Insufficient Service of Process (**doc. 23**), filed May 4, 2012. Plaintiff filed her Complaint on December 30, 2010. On March 15, 2012, the Clerk of the Court filed a Notice of Impending Dismissal (doc. 9), requiring Plaintiff to show good cause why the case should be retained on the docket. The Plaintiff filed a Notice of Compliance (doc. 10) on April 16, 2012, which contained no explanation for Plaintiff's delay in effecting proper service, but alleges that the summonses issued on July 28, 2011, had been served. However, in Defendants' motion Defendants present uncontroverted evidence that no copy of the complaint was included in the service. Thus, after 19 months, Plaintiff has neither effected proper service on Defendants, nor provided any explanation, let alone good cause, for the delay. The substance of Plaintiff's response to Defendants' Motion to Dismiss, filed late, amounts to 31 words, and still contains no explanation or good cause for the extraordinary delay in the simple task of completing service on Defendants. While the Court has tried to be patient with Plaintiff and her counsel, the Court cannot, after 19 months, continue to allow Plaintiff to ignore deadlines, requirements, and rules of civil procedure. Accordingly, for the reasons stated

in Defendants' motion, the Court hereby **GRANTS** Defendants' motion and **DISMISSES** Plaintiff's Complaint without prejudice pursuant to Fed. R. Civ. P. 12(b)(2), (4), and (5).

SO ORDERED


UNITED STATES DISTRICT JUDGE